UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

DAVID AGOADO, LEEANN MCNALLY, CRAIG MOORE, CHRIS PIERRE, THOMAS SHARKEY AND DOREEN VAZQUEZ, individually and on behalf of all others similarly situated,

Civil Action No. 2:14-cv-00018-JMA-AKT

Plaintiffs,

- against -

MIDLAND FUNDING, LLC, MIDLAND FUNDING, LLC DBA IN NEW YORK AS MIDLAND FUNDING OF DELAWARE, LLC, MIDLAND CREDIT MANAGEMENT, INC., RUBIN & ROTHMAN, LLC, FORSTER & GARBUS LLP, COHEN & SLAMOWITZ, LLP and PRESSLER AND PRESSLER LLP

AFFIDAVIT IN OF XENIA MURPHY REGARDING THE ACCOUNT OF PLAINTIFF MOORE

Defendants.

STATE OF RHODE ISLAND ) ss COUNTY OF KENT )

- I, Xenia Murphy, swear, depose and say the following:
- 1. I am employed by Midland Credit Management, Inc. ("MCM") as a Director of Legal Outsourcing, and I have personal knowledge of this matter.
- 2. I make this affidavit in support of the motion for summary judgment of Midland Funding, LLC, Midland Funding, LLC DBA in New York as Midland Funding of Delaware, LLC (together "MF"), and MCM (collectively, "Midland").
- 3. On June 30, 2010, MF purchased a charged-off debt that Plaintiff Craig Moore ("Moore") owed to GE Money Bank ("GE Money Bank") from GE Money Bank as part of a portfolio of charged-off GE Money Bank debts.

- 4. I have personal knowledge of the fact that MF owns Moore's former GE Money Bank account by virtue of my work at MCM and my review of MCM's records applicable to Moore's debt.
- 5. Filed under seal as Murphy-Moore Ex. A and Bates stamped MCM-0892 to MCM-0941 is a true and correct copy, with certain redactions to protect proprietary information, of the Forward Flow Receivables Purchase Agreement and supporting schedules evidencing the purchase of a portfolio of charged-off by MF, from GE Money Bank.
- 6. Moore's delinquent GE Money Bank debt obligation was included in the portfolio of charged-off debts transferred pursuant to Murphy-Moore Ex. A.
- 7. The information pertaining to this portfolio of charged-off debts was transferred to MCM in a computerized form through a media file containing the information applicable to each of the charged-off debts.
- 8. Attached hereto as Murphy-Moore Ex. B and Bates stamped MCM-0365 is a true and correct copy, with certain redactions made to protect Moore's privacy, of the information provided by General Electric Capital Corporation, GE Money Bank and Retailer Credit Services, Inc. pursuant to the Bill of Sale/Assignment of Accounts transferred on or about June 30, 2010 in connection with the sale of accounts from GE Money Bank to MF, identifying Moore's former GE Money Bank account as one of the purchased debts within the GE Money Bank portfolio of accounts that General Electric Capital Corporation, GE Money Bank and Retailer Credit Services, Inc. sold to MF.
- 9. After acquiring Moore's former GE Money Bank debt, acting on behalf of MF, MCM sent Moore an initial collection letter, on July 3, 2010, and another letter entitled "Pre-Legal Notification, on November 9, 2010. A true and correct copy of these letters, with certain

redactions to protect Moore's privacy, is attached hereto as Murphy-Moore Ex. C and Bates stamped MCM-0361 to MCM-0362 & MCM-0357 to MCM-0358.

10. Attached hereto as Murphy-Moore Ex. D and Bates stamped P&P #164 to P&P #167 is a true and correct copy of the Affidavit of Paula Hansen in Support of MF's Motion for Default Judgment against Moore, dated September 21, 2011, along with its Certificate of Conformity, supporting MF's effort to collect Moore's former GE Money Bank account.

Dated:

Kont, Rhode Island

August (2016)

Xenia Murphy

Midland Credit Management, An

Sworn to before me this day of August 2016

Notary Public

PUBLIC

OF RHODE